REALNET.006A PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Mysore Y. Jaisimha, et al.
Appl. No.	;	09/175,208
Filed	:	October 19, 1998
For	:	A SYSTEM AND METHOD) FOR REGULATING THE) TRANSMISSION OF MEDIA) DATA
Examiner	<u>:</u>	Justin T. Darrow

DECLARATION OF PRIOR INVENTORSHIP UNDER 37 C.F.R. \$1,131

United States Patent and Trademark Office P.O. Box 2327 Arlington, VA 22202

Dear Sir:

We declare that:

- 1. We are inventors of subject matter recited in Claims 1, 3, 4 and 14-26 of the present patent application which was filed October 19, 1998.
- 2. Claims 1, 3, 4 and 14-26 were rejected in a Final Office Action dated March 5, 2002. The rejection was based on U.S. Patent No. 6,134,243 which claims priority back to January 15, 1998.
- 3. Prior to January 15, 1998, a product including all the elements of independent Claims 1, 4, 14, 17, 22 and 23 was offered by and distributed by RealNetworks, Inc. For example, that product included the features described in excerpts of a RealSystem Administration Guide Version 5.0, for which true and correct photocopies are attached hereto as Appendix A. More particularly, the materials in Appendix A describe the encoding of media files for transmission in accordance with certain transmission protocols, for example, by

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streaming media data or by downloading media data at a certain bit rate for mobile playback applications. The materials in Appendix A were published in 1997.

- In addition, a true and correct copy of a press release attached hereto as Appendix
 B demonstrates that Real System Version 5.0 was publicly released prior to January 15, 1998.
- 6. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that thase statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

Dated: 4/9102

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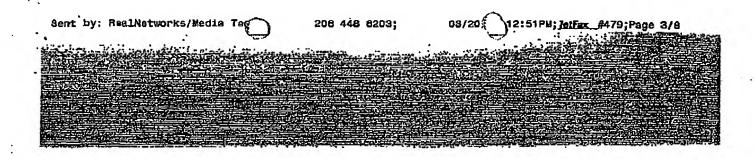
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RealServerTM Administration Guide

Pasibletworks, Inc.

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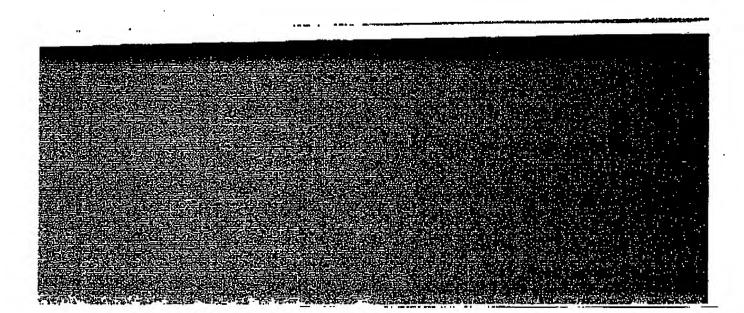
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Appendix C Creating and Berying Content factificity

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Encoding Content for Mobile Download

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